

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-529-C - ORDER NO. 2001-1116
DECEMBER 13, 2001

IN RE: Application of CBS Corporation DBA)	ORDER
Westinghouse Communications for Approval)	APPROVING
of an Asset Transfer, Including Customer)	TRANSFER
Base of Westinghouse Communications into)	
RSL USA.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of CBS Corporation d/b/a Westinghouse Communications (Westinghouse) for approval to transfer its assets to RSL COM U.S.A., Inc. (RSL COM or the Company). If the transfer is approved, Westinghouse will cease its operations in South Carolina.

Pursuant to the instructions of the Executive Director, the Company published a Notice of Filing one time in a newspaper of general circulation. The Company has furnished an affidavit to show its compliance with the instructions of the Executive Director. No Protests or Petitions to Intervene have been filed. Accordingly, RSL COM moved for expedited review of its Application, and furnished verified testimony in support of the Motion. We grant expedited review.

The Company filed the verified testimony of Eric Fishman, Assistant Secretary of RSL COM. The testimony shows that on April 23, 1998, RSL USA and Westinghouse entered into an Asset Purchase Agreement for the sale of Westinghouse Communications to RSL USA. The transaction involved the sale of the Westinghouse business, and

substantially all of its assets and liabilities relating to the business, to RSL USA. All Westinghouse customers were notified of the transaction. At the time of the execution of the Asset Purchase Agreement, both RSL USA and Westinghouse concluded that prior Commission approval was not required in South Carolina. Accordingly, the companies did not file any application with the Commission, and the transaction was consummated on July 14, 1998. After determining that Commission approval was required, RSL USA filed an application with the Commission requesting such approval and requesting the removal of Westinghouse from the Commission's list of active providers in South Carolina. Notice was published, with no Protests or Petitions to Intervene resulting from that publication.

Fishman states that RSL COM is seeking *nunc pro tunc* approval of the transfer and cancellation of the Certificate of Public Convenience and Necessity issued to Westinghouse. Fishman notes that Westinghouse's customers will continue to be served by RSL COM at the same rates and the same terms and conditions as they were served by Westinghouse. Fishman states that the transfer was completed in a seamless fashion, with notice to all customers.

Finally, Fishman states a belief that approval of the transfer is in the public interest, since it will allow former Westinghouse customers to continue to have a presubscribed interexchange carrier, and to continue to receive high-quality telecommunications service at affordable rates without interruption. Moreover, Fishman states that approval of the transaction *nunc pro tunc* is administratively convenient and

will therefore serve the public interest by avoiding the usage of further public funds in overseeing Westinghouse, which is no longer operating in South Carolina.

We have examined this matter, and hold that the transfer should be approved *nunc pro tunc* as filed. The transfer was completed in a seamless fashion. We believe that the transfer is in the public interest, and it is hereby granted *nunc pro tunc*. We hold that RSL COM will provide the same high-quality service to the former Westinghouse customers. The Certificate of Public Convenience and Necessity of Westinghouse is hereby cancelled, as is the tariff of Westinghouse.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)